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Claims 1 and 8 respectively relate to a method and a system for constructing a list of cells from which network resources are to be allocated to perform a requested service. The method and system include the determination of each particular cell's capability to provide the requested service, and the building of the cell list which only contains cells that can provide the requested service.

Claims 2 and 9 respectively relate to a method and a system for allocating network resources to perform a requested service. For doing so, a determination is made of each particular cell's capability to provide the requested service prior to allocating network resources in that cell. Furthermore, the allocating of resources is done only in the cells that can provide the requested service.

Lamb describes a method and an apparatus which provide switch capability mediation. More particularly, Lamb describes "an improved Home Location Register (HLR) that can provide switch capability mediation between two Mobile Switching Centers (MSCs) implementing different capabilities, so that the communication between the two MSCs may be optimized" (column 3, lines 8-11). For performing efficient mediation, Lamb describes the storing of MSC ID Point Code Map (MPCM) file records in the HLR for numerous MSCs. Then, a mediation module can retrieve MPCM file records for an originating MSC and a serving MSC. Based on the information retrieved, the mediation module determines whether the capabilities of the originating and serving MSCs are identical or different, and if need be, the mediation module will modify the information exchanged between the originating and serving MSCs so as to allow proper communication therebetween.

However, Lamb does not relate to the providing of a particular service, or to the determination of each particular cell's capability to provide the requested service. Quite to the opposite, Lamb only relates to mediation, and not to the providing a particular service. Additionally, Lamb refers only to MSCs capabilities, and does not describe nor teach particular cell's capability. The Examiner indicated that he "asserts that the MSC as described by Lamb is capable of revealing the capabilities of on and a multiple number of cells". Applicant disagrees with such an assertion. Lamb focuses on mediation between MSCs provided by different vendors or implementing different capabilities (see column 4, lines 23-26). For those skilled in the art, different MSC capabilities relate to different generations, or standards or versions of a standard, but not the particular cell's capability as asserted by the Examiner. Applicant recommends that Examiner carefully reads column 2, line 50 to column 3 line 7, which clearly defines what Lamb referred to by MSC capabilities.

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Since Lamb does not describe nor teach the determining of each particular's cell capability to provide the requested service, Applicant submits that Lamb cannot possibly describe the builing of a cell list comprising only cells that can provide the requested service, or the allocating of resources only in the cells that can provide the requested service, as claimed in the present application.

Applicant also wishes to highlight that Lamb cannot be cited against the present application with respect to 35 U.S.C. 102(b). As stated in 35 U.S.C. 102(b), the alleged inventor shall not be entitled to a patent if the invention was patented or described in a prior publication more than one year prior to the date of application for patent. The present application was filed on February 8, 2001. Lamb was patented without being previously published, on February 15, 2000, which is not more than one year as stated by section 102(b). Therefore, Applicant submits that Lamb cannot be used for a proper 102(b) rejection.

For all those reasons, Applicant submits that claims 1, 2, 8 and 9 are not anticipated by Lamb, and requests a favourable action. Claims 3-7 and 10-17, which directly or ultimately depend from either claim 1, 2, 8 or 9, while including further limitations thereto, are also believed patentable for the same reasons provided in support of claims 1, 2, 8 and 9.

Applicant also thanks the Examiner for only objecting to claims 6-7 and 13-17.

CONCLUSION

In view of the foregoing, Applicant submits that the present patent application is now in condition for favourable action. Should the Examiner wish to further discuss the present response or patent application, the undersigned can be reached at (514) 345-7891.

Respectfully submitted,

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